



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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COMMISSIONER

NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to M.G.L. c. 30A, §2, that the Department of Public Health will hold a public hearing on amendments to 105 CMR 130.000, *Hospital Licensure*, which were promulgated on an emergency basis on December 20, 2005.

These emergency amendments identify certain requirements for hospitals set forth in section 4 of Chapter 91 of the Acts of 2005, *An Act Providing Timely Access to Emergency Contraception*, and describe the means by which hospitals must report annually to the Department of Public Health the number of times that emergency contraception is provided to victims of rape.

The hearing will be held January 23, 2006 at 10:00 a.m. in the Daley Room, 5th Floor, China Trade Building, 2 Boylston Street, Boston, Massachusetts.

Speakers are requested to provide a copy of their oral testimony. Parties who wish to submit written testimony should mail submissions to Nancy Murphy, Division of Health Care Quality, 2nd Floor, 99 Chauncy Street, Boston, MA 02111. All written testimony must be submitted by 5:00 p.m. on January 27, 2006.

Copies of the regulation may be obtained from LouAnn Stanton, Office of the General Counsel, at 617-624-5220.

Paul J. Cote, Jr.
Commissioner

Date

Emergency Amendments to 105 CMR 130.000

130.1040: Definition of Emergency Contraception

For the purposes of 105 CMR 130.1041 through 130.1043, “emergency contraception” shall mean any drug that is approved by the federal Food and Drug Administration and that is used as a contraceptive method after sexual intercourse.

130.1041: Emergency Contraception Information for Providers

Each hospital that is licensed to provide emergency services shall provide all persons who provide care to victims of sexual assault with medically and factually accurate written information prepared by the Department about emergency contraception.

130.1042: Emergency Contraception Information and Services for Rape Victims

Each hospital that is licensed to provide emergency services shall promptly provide the following to each female rape victim of childbearing age who presents at the emergency department:

- (A) Medically and factually accurate written information provided by the Department about emergency contraception;
- (B) An offer of emergency contraception at the hospital if medically indicated; and
- (C) Dispensing of emergency contraception at her request unless medically contraindicated.

130.1043: Reporting the Dispensing of Emergency Contraception

(A) Each hospital shall report each time that it dispenses emergency contraception pursuant to 105 CMR 130.1042 on the Provider Sexual Crime Report that it completes in accordance with M.G.L. c.112, § 12A ½.

(B) The report of the dispensing of emergency contraception made pursuant to 105 CMR 130.1043(A) is not a public record as defined in M.G.L. c. 4, §7.